OCA consumer register

A supplement to Consumer News

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Register results

The following actions have been taken by Federal agencies. They have previously been summarized as proposals in CONSUMER REGISTER. Extent of consumer and other comment is reported when such information is available.

▪ **Consumer Product Safety Commission** (CPSC) has issued mandatory safety requirements that have the effect of banning baby rattles which are small enough to get caught in an infant's throat and possibly cause suffocation. CPSC received 21 comments on the proposal, including 15 from individual consumers. Nearly all comments expressed approval of the ban, and 11 mentioned specific choking or suffocating incidents involving family members or neighbors as the basis of their support of the ban. The regulation applies to all rattles entering interstate commerce on or after Aug. 21. Details—*Federal Register:* May 23, page 22002; Nov. 18, 1977, page 59511. CONSUMER REGISTER: Dec. 1, 1977. For more information write or call Elaine Besson, Consumer Product Safety Commission, Washington, DC 20207; telephone 301-492-6453.

• **Agriculture Dept.** has amended its regulations that set forth definitions, permitted uses and labeling requirements for "mechanically processed (species) product" (MP(S)P). In the parenthesis for species will appear the term beef, pork, etc., as appropriate. Earlier proposals called the product "mechanically deboned meat" and "tissue from ground bone," but because of misleading—and repugnant—implications of those names the name has been changed to MP(S)P. Agriculture received 4,537 comments on the revised (Oct. 6, 1977) proposal, more than 4/5ths of which came from consumers. Effective date is July 20. Details—*Federal Register:* June 20, page 24616; Jan 24, page 3284; Oct. 6, 1977, page 54437. CONSUMER NEWS : Jan. 1, CONSUMER REGISTER: Feb. 15, 1978, Nov. 15, 1977 and May 15, 1976. For more information write or call Irwin Fried, Food Safety and Quality Service, Agriculture Dept., Washington, DC 20250; telephone 202-447-6042.

• **Civil Aeronautics Board** (CAB) has adopted new rules intended to minimize involuntary bumping of airline passengers who hold confirmed reservations on oversold flights. Passengers who are bumped involuntarily will be paid 200% of the ticket value ($50 minimum, $400 maximum) including connecting flight coupons. Other provisions are also intended to make overbooking less profitable to the airlines. Most consumer organizations, government agencies and a number of private citizens were in favor of the proposed rules, and most airlines were against them. Effective date is Sept. 3. Details—*Federal Register:* June 5, page 24277; Sept. 23, 1977, page 48577. CONSUMER REGISTER: Oct 15, 1977 and May 1, 1976. For more information write or call Robert Kneisley, Civil Aeronautics Board, Washington, DC 20428; telephone 202-673-5035.

Sugar imports

July 6 is deadline for comments on **Agriculture Dept.'s** inquiry into the advisability of increasing import fees for sugar.

On Jan. 20, when President Carter announced fixed import fees of 2.70¢ per pound for raw sugar and 3.22¢ per pound for refined sugar and syrups, he told the **International Trade Commission** (ITC) to find out if imported sugar products were interfering with the domestic sugar price support program. ITC's investigation shows such interference, Agriculture says.

Among other issues, Agriculture would like to know how consumers and others feel about increasing import fees, and if they think they should be increased, to what level. For more information call person listed under "details" below.

Details—*Federal Register:* June 21, page 26601. For more information write William Doering, Room 5062-S, Agriculture Dept., Washington, DC; 202-447-6723.

Drinking water hearings

July 10 is deadline for registering to speak at an **Environmental Protection Agency** (EPA) hearing July 11-12, Washington, DC on proposed regulations controlling organic chemical contaminants in drinking water. These contaminants include chloroform and other trihalomethanes and synthetic organic chemicals which may be harmful.

Chloroform and the trihalomethanes occur in drinking water as a result of interaction between chlorine applied for disinfection and other purposes, and the organic substances naturally found in raw water. Synthetic organic chemicals are those introduced into surface or ground water sources of drinking water as a result of industrial, agricultural, or other human activities.

The final hearing begins at 9 a.m., Thomas Jefferson Memorial Auditorium, Agriculture Dept., Washington, DC. Individuals or groups wishing to speak should pre-register with Office of Drinking Water, Criteria and Standards Division, Room 1111, WSME, EPA, 401 M St. SW, Washington, DC 20460; telephone 202-472-5016. Send name, affiliation (if any), and copy of remarks when possible. No more than 10 minutes will be allotted per speaker with pre-registrants given priority.

Details—*Federal Register:* June 15, page 25838; Feb. 9, page 5756.

Pennies

Treasury Dept. has decided to revoke its 1974 regulations that prohibited the exporting, melting or treating of pennies. At that time, because of speculation that copper prices would go up so much that some people would find it profitable to hoard and then melt the pennies and sell the copper, Treasury wanted to protect the dwindling supply of the coins—made of 95% copper and 5% zinc.

Since copper prices have long since dropped and the Government now has a large inventory of pennies, Treasury says the prohibitions are no longer necessary. Effective date was June 7.

Details—*Federal Register:* June 7, page 24691; April 18, 1974, page 13881. CONSUMER REGISTER: June 15, 1974. For more information call or write Miklos Lonkay, Bureau of the Mint, Treasury Dept., Washington, DC 20220; telephone 202-376-0564.

Nitrosamines and fried bacon

Nov. 16 is deadline for comments on **Agriculture Dept.'s** proposed regulations that would eliminate possibly cancer-causing nitrosamines from fried bacon and reduce the total level of nitrite in bacon.

The regulations would lower to 40 parts per million (ppm) the level of sodium nitrite allowed to be used in curing bacon. The sodium nitrite (or an equivalent amount of potassium nitrite) would be used in combination with 0.26% by weight of potassium sorbate. The proposed regulation is based on evaluation of all data available at this time which indicate that the above formula for bacon would produce bacon both free of the hazard of botulism and free of confirmable levels of nitrosamines.

Agriculture points out that "under the Meat Inspection Act we are required to prevent the sale of any product containing a substance that may be harmful to health. We have known for several years that there are cancer-causing nitrosamines in fried bacon. We are acting to eliminate them as quickly as possible. The public has a right to expect that Federally inspected meat is wholesome."

The proposed regulation would reduce by at least two thirds the amount of nitrite presently used by most meat packers.

Details—*Federal Register*, May 16, page 21007. Send comments to Hearing Clerk, Room 1977 South Bldg., Agriculture Dept., Washington, DC 20250. For more information write or call Irwin Fried, Room 202 Annex Bldg., Agriculture Dept., Washington, DC 20250; telephone 202-447-6042.

Sleep aids and stimulants

Aug. 14 is deadline for objections and/or requests for hearing before **Food and Drug Administration** (FDA) on tentative orders establishing conditions for safety and labeling of over-the-counter (OTC) nighttime sleep aids and stimulants. Comments will also be taken on FDA's proposal to end the marketing of all OTC daytime sedatives. Proposed actions are part of a continuing FDA panel review affecting several hundred thousand medicines now sold without prescription.

FDA proposes to:

- Label OTC stimulants as follows: "Helps restore mental alertness or wakefulness when experiencing fatigue or drowsiness." Although FDA considers caffeine the only safe and effective ingredient in such stimulants, it cautions against more than occasional use. Proposed warnings would advise against exceeding the recommended caffeine dosages, pointing out that these products should be taken cautiously by individuals who drink coffee, tea or cola drinks which also contain caffeine.
- End marketing of all OTC daytime sedatives within 6 months after final standards are issued. FDA bases this action on a decision that such sedatives now available do not affect anxiety or tension, provide no sedation, and only make people drowsy when they may not want to be, i.e., while driving a car or operating machinery.
- Eventually remove scopolamine compounds and bromides (ammonium, potassium, sodium) from the market. These drugs are not generally recognized as safe and effective or are misbranded.
- Exclude methapyrilene, an antihistamine, from the market. Preliminary reports indicate this ingredient may cause tumors in test animals and FDA has asked the **National Cancer Institute** to expedite testing of this substance.
- Delete the statement "For adults only" from nighttime sleep aid labels, but require the warning "Do not give to children under 12 years of age." A warning will not be required for pregnant women since no data exist suggesting potential safety hazards. Warnings will be issued in large type for persons having asthma, glaucoma, or enlargement of the prostate gland. FDA recommends that antihistamine drugs marketed as nighttime sleep aids contain a warning against use with alcohol. If further testing recommended by the Panel fails to prove effectiveness of any antihistamine used in nighttime sleep aids, that ingredient will be removed from the market within 6 months after publication of final orders. FDA found most ingredients in these aids are basically safe and only require some additional proof of effectiveness.
- Limit OTC drugs to the fewest ingredients possible at the lowest possible dosages. Generally, the fewer the ingredients, the safer the therapy.

Details—*Federal Register:* June 13, page 25544. CONSUMER REGISTER: Feb. 1, 1976. Send objections and/or requests for an oral hearing to Hearing Clerk (HFC-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. For more information write or call William E. Gilbertson at above address; telephone 301-443-4960.

Ice cream

Agriculture Dept. has decided to drop its plans for voluntary ice cream quality grades because of public opposition.

Agriculture's Food Safety and Quality Service (FSQS) developed the proposed quality grading system which would have been based on flavor, body and texture, and color of ice cream. Three grades were proposed: US Premium Grade, US Grade A and US Grade B, to parallel Agriculture's meat grading system.

Of the 464 comments Agriculture received on the proposal, 195 were opposed to the preliminary proposed quality standards. Agriculture said, "Although many persons who commented favored grades, they thought the grades would tell them what ingredients were used in ice cream." However, ingredient information was not part of the proposed quality standard, but a **Food and Drug Administration** (FDA) labeling regulation, which becomes effective July 1, 1979, will provide that information.

The **Office of Consumer Affairs** (OCA), in commenting on the earlier proposal, strongly recommended that Agriculture drop the ice cream grading idea because the end result would be more detrimental than beneficial to consumers for the following reasons:

- Costs that industry would incur because of the grading would be passed directly on to the consumer.
- The proposed standards were highly subjective.
- The grade label designations assigned for the ice cream program were confusing.
- The standards would not give additional and helpful ingredient information—which some consumers expected.

Details—Agriculture published no notice of this decision in the *Federal Register* because the original inquiry was not a formal notice of proposed rulemaking. Original inquiry was published for comment in the *Federal Register* on Feb. 21, page 7232. It was summarized in CONSUMER REGISTER on March 15.

This listing, prepared by Marion Q. Ciaccio, is intended only as summary coverage of selected *Federal Register* items deemed of particular interest to consumers, and it does not affect the legal status or effect of any document required or authorized to be published pursuant to Section 5 of Federal Register Act as amended, 44 U.S.C. 1505. *Federal Register* is published Monday through Friday (except Federal Government holidays) by **Office of the Federal Register, National Archives and Records Service, General Services Administration.** Subscription is $5 a month or $50 a year and may be ordered from **Superintendent of Documents, Government Printing Office,** Washington, DC 20402. Superintendent also sells copies of *Federal Register* for 75¢ each. Copies of *Federal Register* may be available in depository libraries.

consumer comment

Federal agencies want to learn your views on proposals and other items published in the *Federal Register* and CONSUMER REGISTER. Agencies use these comments in their decision making.

These forms are provided for you to use, if you wish, in commenting on these items. For more lengthy comments, feel free to use a plain sheet of paper. Send comment forms to addresses listed in CONSUMER REGISTER summaries. CONSUMER NEWS is publishing these forms in cooperation with the **Food and Drug Administration** (FDA).

Name _____ Date _____

Street _____

City _____ State _____ ZIP _____

Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) _____

by (name of agency) _____

published in *Federal Register* on (date) _____ on (page) _____

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